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June 25, 2013

## **EX PARTE PRESENTATION**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation in WT Docket No. 12-69, *Promoting Interoperability in the 700 MHz Commercial Spectrum*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter summarizing a telephone call on Friday, June 21, 2013 between Tom Peters, Chief Engineer, Wireless Telecommunications Bureau and Mariam Sorond, Vice President, Technology Development for DISH.

During the meeting, DISH explained that Lower 700 MHz E Block authorized power levels (50 kW ERP) do not impact the feasibility of device interoperability at issue in the above-referenced proceeding.<sup>1</sup> DISH discussed its previously-filed technical report, which demonstrates that a PFD-limited high power broadcast transmission in the Lower E Block has the same impact on adjacent block operations as a lower power alternative.<sup>2</sup> In addition, any parties requesting modification of the Lower E Block technical rules have provided no evidence that the existing rules are insufficient to protect adjacent operations. There is thus no technical justification to change authorized power levels in the Lower E Block in this proceeding, because these levels have no impact on the Commission's goal of promoting interoperability in the Lower 700 MHz band.

Given the lack of record support, there is also no legal basis to change the power levels authorized for the 700 MHz E Block.<sup>3</sup> DISH acquired the E Block spectrum at auction in 2008

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<sup>1</sup> See Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 12-69 (March 21, 2013) ("March 21 DISH Letter"); Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 12-69 (May 29, 2013) ("May 29 DISH Letter").

<sup>2</sup> See May 29 DISH Letter at Attachment.

<sup>3</sup> See March 21 DISH Letter. See also May 29 DISH Letter; DISH Network Corporation Comments, WT Docket No. 12-69, at 8-9 (June 1, 2012).

for nearly \$712 million based on the technical rules in place at the time of the auction.<sup>4</sup> DISH has spent years studying and testing a broadcast video service in the E Block and has already filed notifications to commence operations at 10 sites throughout the country, with active work ongoing to identify and commence operations at additional sites.<sup>5</sup> Any changes to the service rules for the E Block post-auction will upset DISH's legitimate, investment-backed expectations for use of this spectrum, jeopardize DISH's investment and business plans, and may be considered an unauthorized partial revocation of DISH's license.<sup>6</sup>

Respectfully submitted,

/s/ Mariam Sorond

Mariam Sorond

cc: Tom Peters

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<sup>4</sup> DISH holds 168 licenses in the Lower 700 MHz E Block (722-728 MHz) through its subsidiary, Manifest Wireless L.L.C. Together, DISH's E Block licenses form a nationwide footprint, except for five of the largest U.S. metropolitan areas (New York, Boston, Philadelphia, Los Angeles, and San Francisco).

<sup>5</sup> See March 21 DISH Letter.

<sup>6</sup> See DISH Network Corporation Comments, WT Docket No. 12-69, at 8-9 (June 1, 2012).